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EXAMINER	
DOUYON, LORNA M	
ART UNIT	**PAPER NUMBER**
1751	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/763,438	HATCH ET AL.	
	Examiner	Art Unit	
	Lorna M. Douyon	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16-52 and 64-74* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,16-52 and 64-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Claims 1-14, 16-52, 64-74 are pending. Claims 15, 53-63 are cancelled. Claims 64-74 are newly added. It is noted that in claim 1, the phrase "present in an amount such that the pH of the cleaning composition is less than 2" in lines 7-8 should have been underlined, as it is a newly added limitation.

2. The rejection of claim 17 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicants' amendment.

3. The rejection of claims 1-4, 7, 9, 16, 17, 19, 20, 24, 26-29, 33 and 35 under 35 U.S.C. 102(b) as being anticipated by Bershas et al. (US Patent No. 5,476,601) is withdrawn in view of Applicants' amendment.

4. The rejection of claims 1-4, 7, 9, 16, 17, 19, 20, 24, 26-29, 33 and 35 under 35 U.S.C. 102(b) as being anticipated by Banaszak et al. (US Patent No. 5,584,943) is withdrawn in view of Applicants' amendment.

5. The rejection of claims 1-3, 9, 12, 14, 16, 17, 19, 26-28, 35-38 under 35 U.S.C. 102(b) as being anticipated by Hoshowski et al. (US Patent No. 4,960,588) is withdrawn in view of Applicants' amendment.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, "the alcohol" should be added before "having Formula" in line 2 to be consistent with amended claim 1.

8. Claims 1-4, 7, 9, 16, 17, 19, 20, 24, 26-29, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bershas et al. (US Patent No. 5,476,601), hereinafter "Bershas".

Bershas teaches a lubricant and surface conditioner forming component in deionized water, comprising of about 1% active organic (I), about 0.2 % inorganic (II) and about 0.5% surfactant (III) (see col. 18, lines 60-67), wherein (I) is oleyl [POE(15)] ammonium chloride, (II) is $Fe_2(SO_4)_3$, and (III) is Neodol 25-9 (a C_{12-15} ethoxylated alcohol having 9 moles ethoxylate group) having a pH of 2.0 (see Table 7, cols. 21-22, see Example Type A; second named component). Bershas also teaches that the treatment composition which comprises the lubricant and surface conditioner would generally have a pH that is between about 1 and about 6.5 (see col. 13, lines 3-9). Bershas, however, fails to specifically disclose a cleaning composition such that the percent of total surface area of the exterior wall which supports a continuous film of water is greater than 50% after the aluminum can is cleaned with the cleaning composition as

required in claim 3 and independent claim 19, or cloud point of the cleaning composition as required in claims 2, 27, 28; and the pH of the composition as those recited.

The composition of Bershas should be capable of cleaning an exterior wall of an aluminum can such that the percent of total surface area of the exterior wall which supports a continuous film of water is greater than 50% after the aluminum can is cleaned with the cleaning composition as required in claim 19 because it has been held that the recitation that an element is "adapted to" perform or is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. The recitation of a new intended use for an old product does not make a claim to that old product patentable, see *In re Schreiber,* 44 USPQ2d 1429 (Fed. Cir. 1997).

With respect to the cloud point of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect said property to be within those recited because similar ingredients have been utilized.

With respect to the pH of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the *prima facie* case of obviousness. See *In re Boesch,* 617 F.2d 272, 276, 205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233,

235 (CCPA 1955). In addition, a *prima facie* case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim,* 541 F.2d 257, 191 USPQ 90 (CCPA 1976; *In re Woodruff,* 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.05I.

9. Claims 1-4, 7, 9, 16, 17, 19, 20, 24, 26-29, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banaszak et al. (US Patent No. 5,584,943), hereinafter "Banaszak".

Banaszak teaches a lubricant and surface conditioner forming component in deionized water, comprising of about 1% active organic (I), about 0.2 % inorganic (II) and about 0.5% surfactant (III) (see col. 16, lines 15-20), wherein (I) is oleyl [POE(15)] ammonium chloride, (II) is $Fe_2(SO_4)_3$, and (III) is Neodol 25-9 (a C_{12-15} ethoxylated alcohol having 9 moles ethoxylate group) having a pH of 2.0 (see Table 5, cols. 17-18, see Example Type A; 9th named component). Banaszak also teaches that the treatment system which comprises the lubricant and surface conditioner would generally have a pH that is between about 1 and about 6.5 (see col. 10, lines 13-19). Banaszak, however, fails to specifically disclose a cleaning composition such that the percent of total surface area of the exterior wall which supports a continuous film of water is greater than 50% after the aluminum can is cleaned with the cleaning composition as required in claim 3 and independent claim 19, or cloud point of the cleaning composition as required in claims 2, 27, 28; and the pH of the composition as those recited.

The composition of Banaszak should be capable of cleaning an exterior wall of an aluminum can such that the percent of total surface area of the exterior wall which supports a continuous film of water is greater than 50% after the aluminum can is cleaned with the cleaning

composition as required in claim 19 because it has been held that the recitation that an element is "adapted to" perform or is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. The recitation of a new intended use for an old product does not make a claim to that old product patentable, see *In re Schreiber,* 44 USPQ2d 1429 (Fed. Cir. 1997).

With respect to the cloud point of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect said property to be within those recited because similar ingredients have been utilized.

With respect to the pH of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the *prima facie* case of obviousness. See *In re Boesch,* 617 F.2d 272, 276, 205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). In addition, a *prima facie* case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim,* 541 F.2d 257, 191 USPQ 90 (CCPA 1976; *In re Woodruff,* 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.05I.

10. Claims 1-14 and 16-52, 64-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (US Patent No. 6,214,777), hereinafter "Li".

Li teaches a lubricant composition which is used to treat or lubricate containers (see col. 1, lines 8-10), like aluminum cans (see col. 8, line 66), which comprises neutralizing agents, surfactants, water and water-conditioning agents (see col. 6, lines 41-43). Useful neutralizing agents include the alkali metal hydroxides and are present in an amount to adjust the pH of the composition to a range of about 3 to about 9.5 (see col. 6, lines 44-57). Suitable surfactants include nonionic surfactants and anionic surfactants (see col. 6, lines 59-67). Particularly suitable nonionic surfactants are the alkoxylated alcohols having the general formula $R^{10}O((CH_2)_mO)_n$ wherein R^{10} is an aliphatic group having from about 8 to about 24 carbon atoms, m is a whole number from 1 to about 5, and n is a number from 1 to about 40 which represents the average number of ethylene oxide groups on the molecule (see col. 7, lines 18-25), and can be used in an amount of about 0.5 to about 30 percent by weight of the composition (see col. 7, lines 26-30). Other surfactants include sulfates, ethoxylated alkylphenols and polyoxyalkylene oxide block copolymers (see col. 7, lines 1-17). Generally, the total surfactant concentration ranges from about 1 wt% to 50 wt% (see col. 7, lines 50-53). In Example 1, Li teaches a lubricating composition comprising water, 5 wt% didecyl dimethyl ammonium chloride (another surfactant), 2.5 wt% polyethylene phenol ether phosphate, 8 wt% linear alcohol 60-70% ethoxylate and 2 wt% sodium hydroxide 50% (see Example 1 #1 in col. 10, lines 1-16). Li, however, fails to specifically disclose a composition wherein the linear alcohol ethoxylate has an alkyl group and ethoxy group as those recited, the water-break-free percent reduction; and cloud point and pH of the composition as those recited.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range (i.e., alkyl group and ethoxy group of the alcohol ethoxylate) which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the *prima facie* case of obviousness. See *In re Boesch,* 617 F.2d 272, 276, 205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). In addition, a *prima facie* case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim,* 541 F.2d 257, 191 USPQ 90 (CCPA 1976; *In re Woodruff,* 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.05I.

With respect to the water-break-free percent reduction and cloud point of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect said properties to be within those recited because similar ingredients have been utilized.

With respect to the pH of the composition, as the word "about" permits some tolerance (see *In* re *Ayers, 69 USPQ 109,* and *In re Erickson,* 145 USPQ 207), the lower pH limit of about 3 and the upper pH limit of about 9.5 may be considered to read on pH less than 2, or pH 9 or about 11.

11. Claims 19-22, 25-31, 34-41, 44-48, 51-52, 64-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. (US Patent No. 6,328,816), hereinafter "Carlson".

Carlson teaches a cleaning solution for degreasing metal articles, especially aluminum and aluminum alloy metal surfaces (see col. 1, lines 10-12) which comprises water; N-alkyl substituted amides and at least one of (i) amine oxide surfactants, (ii) water soluble nonionic surfactants with molecules containing a polyoxyalkylene block, and (iii) alkali stable anionic, or both anionic and amphoteric, surfactants; and a component of alkalinizing agent like sodium hydroxide or sodium metasilicate (see abstract; col. 2, line 61 to col. 3, line 33; col. 8, line 53 to col. 9, line 11). The working compositions are effective over a wide range of pH values (see col. 5, lines 37-38). For degreasing objects of aluminum alloys intended for manufacture of aerospace vehicles, the pH of the working compositions is at least, with increasing preference to the order given, 9.3, . . . 10.5, . . . 11.0, . . . and not more than 12.0 (see col. 5, lines 53-65). Examples of nonionic surfactants have the general formula R^4-$(C_2H_4O)_w$-R^5, where R^4 represents an alkyl, aryl, or alkylaryl moiety preferably having at least 5 carbon atoms and preferably having not more than 22 carbon atoms; R^5 represents hydrogen or an alkyl, aryl, or alkylaryl group having no more than 8 carbon atoms; and w is a number having an average value that is at least 4.0 (see col. 6, line 56 to col. 7, line 12). Carlson, however, fails to specifically disclose a cleaning composition such that the percent of total surface area of the exterior wall which supports a continuous film of water is greater than 50% after the aluminum can is cleaned with the cleaning composition as required in independent claim 19, or cloud point of the cleaning composition as required in claims 27, 28, 37, or the cleaning composition having an average water-break-free percent reduction of less than 50%

after 7 days of aging as required in independent claim 64; the number of "R" groups in the nonionic surfactant as those recited; and the pH of the composition as those recited.

The cleaning solution should be capable of cleaning an exterior wall of an aluminum can such that the percent of total surface area of the exterior wall which supports a continuous film of water is greater than 50% after the aluminum can is cleaned with the cleaning composition as required in claim 19 because it has been held that the recitation that an element is "adapted to" perform or is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. The recitation of a new intended use for an old product does not make a claim to that old product patentable, see *In re Schreiber,* 44 USPQ2d 1429 (Fed. Cir. 1997).

With respect to the cloud point of the composition, and water-break-free percent reduction; it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect said properties to be within those recited because similar ingredients have been utilized.

With respect to the "R^4" group in the nonionic surfactant, and pH of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the *prima facie* case of obviousness. See *In re Boesch,* 617 F.2d 272, 276, 205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re*

Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). In addition, a *prima facie* case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim,* 541 F.2d 257, 191 USPQ 90 (CCPA 1976; *In re Woodruff,* 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.05I.

12. Claims 19-52, 64-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardola et al. (WO 00/12661), hereinafter "Cardola".

Cardola teaches liquid cleaning compositions having a pH of from 7 to 14, suitable for cleaning hard-surfaces including metal surfaces such as aluminum comprise a homo or copolymer of vinylpyrrolidone, a polysaccharide polymer and a nonionic surfactant and no amphoteric surfactant (see abstract; page 3, 4th full paragraph). Suitable nonionic surfactants include the condensation product of aliphatic alcohols having from 2 to 24 carbon atoms, in either straight or branched chain configuration, with from 2 to 35 moles of ethylene oxide (see page 7, 1st full paragraph). The liquid composition may comprise a variety of optional ingredients such as a source of alkalinity and other surfactants other than nonionic or amphoteric surfactants (see page 19, last 8 lines) such as cationic surfactants, anionic surfactants, zwitterionic surfactants, and mixtures thereof (see page 23, last 7 lines). Suitable sources of alkalinity include sodium hydroxide and alkali metal oxides (see page 20, line 3+). Cardola, however, fails to specifically disclose a cleaning composition such that the percent of total surface area of the exterior wall which supports a continuous film of water is greater than 50% after the aluminum can is cleaned with the cleaning composition as required in independent claim 19, or cloud point of the cleaning composition as required in claims 27, 28, 37, or the

cleaning composition having an average water-break-free percent reduction of less than 50% after 7 days of aging as required in independent claim 64; the number of alkyl and ethoxy groups in the nonionic surfactant as those recited; and the pH of the composition as those recited.

The liquid cleaning composition of Cardola should be capable of cleaning an exterior wall of an aluminum can such that the percent of total surface area of the exterior wall which supports a continuous film of water is greater than 50% after the aluminum can is cleaned with the cleaning composition as required in claim 19 because it has been held that the recitation that an element is "adapted to" perform or is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. The recitation of a new intended use for an old product does not make a claim to that old product patentable, see *In re Schreiber,* 44 USPQ2d 1429 (Fed. Cir. 1997).

With respect to the cloud point of the composition, and water-break-free percent reduction; it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect said properties to be within those recited because similar ingredients have been utilized.

With respect to the alkyl group and ethoxy group in the nonionic surfactant, and pH of the composition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts

the *prima facie* case of obviousness. See *In re Boesch,* 617 F.2d 272, 276, 205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). In addition, a *prima facie* case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim,* 541 F.2d 257, 191 USPQ 90 (CCPA 1976; *In re Woodruff,* 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.05I.

Response to Arguments

13. Applicant's arguments filed November 22, 2006 have been fully considered but they are not persuasive.

With respect to the rejection based upon Bershas, Applicants argue that Bershas teaches away from the pH ranges of the present rejected claims. Applicants also argue that the compositions of Bershas are applied after cleaning whereas the present invention provides compositions that are used to clean aluminum cans.

The Examiner respectfully disagrees with the above argument because, as stated above, Bershas, in col. 13, lines 3-9, teaches that the treatment composition which comprises the lubricant and surface conditioner would generally have a pH that is between about 1 and about 6.5. Even though Bershas does not teach an aluminum cleaning can use of his composition, the two different intended uses are not distinguishable in terms of the composition, see In *re Thuau, 57 USPQ 324; Ex parte Douros,* 163 *USPQ 667;* and In *re Craige, 89* USPQ *393.*

With respect to the rejection based upon Banaszak, Applicants argue that Banaszak does not teach compositions having the pH ranges of the present rejected claims.

The Examiner respectfully disagrees with the above argument because, as stated above, Banaszak in col. 10, lines 13-19, teaches that the treatment system which comprises the lubricant and surface conditioner would generally have a pH that is between about 1 and about 6.5.

With respect to the rejection based upon Li, Applicants argue that the pH ranges of Li are different than amended claim 1. Applicants also argue that Li does not disclose the composition of the present invention which contains a pair of surfactants - one based on formula 1 and the other being different than the first, and that Li teaches a laundry list of surfactants.

The Examiner respectfully disagrees with the above argument because, as stated above, the pH of the composition of Li is in a range of about 3 to about 9.5 (see col. 6, lines 44-57), and the word "about" permits some tolerance (see *In* re *Ayers,* 69 *USPQ 109,* and *In re Erickson,* 145 USPQ 207), hence, the lower pH limit of about 3 and the upper pH limit of about 9.5 may be considered to read on pH less than 2, or pH 9 or about 11. With respect to the combination of surfactant, it is clear from Example 1 that a combination of a nonionic surfactant and another surfactant is disclosed, i.e., didecyl dimethyl ammonium chloride (another surfactant), and linear alcohol 60-70% ethoxylate (see Example 1 #1 in col. 10, lines 1-16). With respect to the length of the linear alcohol, the alkyl group comprises about 8 to about 24 carbon atoms as disclosed in col. 7, lines 18-25. Hence, the alkyl group of the ethoxylated alcohol overlaps those recited.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lorna M. Douyon
Primary Examiner
Art Unit 1751